

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

ANTOINE L. MINOR,

Petitioner,

v.

Case No.: 2:23cv594

CHADWICK DOTSON, Director,
Virginia Department of Corrections,

Respondent.

FINAL ORDER

Before the Court is an Amended Petition for a Writ of Habeas Corpus, ECF No. 18, filed pursuant to 28 U.S.C. § 2254, and Respondent's Motion to Dismiss, ECF No. 26. Following his plea of nolo contendere in the Circuit Court for the City of Richmond, on July 26, 2021, Petitioner, Antoine L. Minor, was found guilty of abduction, indecent liberties, and aggravated sexual battery. The Circuit Court for the City of Richmond sentenced Minor to an active term of five years in prison. In his Petition, Minor challenges the constitutionality of this conviction and sentence.

The matter was referred for disposition to a United States Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(B)-(C), Federal Rule of Civil Procedure 72(b), Local Civil Rule 72, and the April 2, 2002 Standing Order on Assignment of Certain Matters to United States Magistrate Judges. In a Report and Recommendation entered on December 31, 2024, ECF No. 30, the Magistrate Judge recommended the Respondent's Motion to Dismiss be granted, and the Amended Petition be denied and dismissed with prejudice. The parties were advised of their right to file written objections to the Report and Recommendation. Neither Minor nor the Respondent filed

objections with the Court.¹

When a petition is referred for a report and recommendation, “the magistrate [judge] makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court.” *Estrada v. Witkowski*, 816 F. Supp. 408, 410 (D.S.C. 1993) (citing *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976)). If a specific objection to the report and recommendation is made, the Court “shall make a *de novo*² determination of those portions of the report . . . to which objection is made” and “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). However, the Court is not required to conduct a review or provide an explanation for adopting the factual or legal conclusions of the magistrate judge’s report and recommendation to which no objection is made. Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (Table) (4th Cir. 1992); *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Thus, the Court must only review those portions of the report and recommendation where a party has made a specific written objection. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 316 (4th Cir. 2005).

¹ On January 27, 2025, the Report and Recommendation was returned to the Court as “undeliverable.” ECF No. 31. Minor has not filed a notice of change of address in the instant action. However, in another action pending before the Court, Minor did file a notice of change of address. *See Minor v. Hicks*, Case No. 2:24cv361, ECF No. 23 (E.D. Va. Jan. 6, 2025). Accordingly, on February 6, 2025, the Court issued an Order directing the Clerk to resend the Report and Recommendation to the address that Minor identified in *Minor v. Hicks*. ECF No. 32. The Court permitted Minor to file any objections within fourteen days of the February 6, 2025 Order. That time has passed, and Minor has not filed any objections.

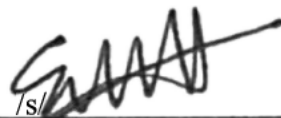
² “*De novo*” means “anew.” *De Novo*, BLACK’S LAW DICTIONARY (7th ed. 1999). In the context of this statute, it means that the District Court considers the issues objected to as if for the first time, without considering the Report and Recommendation.

Having reviewed the record and having heard no objection, the Court agrees with the Report and Recommendation on the grounds stated by the Magistrate Judge and ADOPTS and APPROVES the Report and Recommendation, ECF No. 30, in its entirety as the Court's own opinion. Accordingly, the Respondent's Motion to Dismiss, ECF No. 26, is GRANTED, and the Amended Petition, ECF No. 18, is DENIED and DISMISSED WITH PREJUDICE. It is ORDERED that judgment be entered in favor of the Respondent.

Minor is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a *written* notice of appeal with the Clerk of the Court at the Walter E. Hoffman United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date judgment is entered. Because Minor has failed to demonstrate a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b)(1), the Court declines to issue a certificate of appealability. *See Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003).

The Clerk shall forward a copy of this Order to Minor and to counsel of record for the Respondent.

It is SO ORDERED.

A handwritten signature in black ink, appearing to read 'E. Hanes', written over a horizontal line.

Elizabeth W. Hanes
United States District Judge

Norfolk, Virginia
Date: March 10, 2025